

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EUGENE LOWE,

Plaintiff,

- against -

CUSA, LLC, d/b/a/ THE DOUBLETREE
HOTEL & SUITES, TARRYTOWN, et al.

Defendants.
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Docket No.: 09 Civ 7766 (SCR)

AFFIRMATION IN SUPPORT OF MOTION
TO QUASH SUBPOENAS AND/OR
FOR A PROTECTIVE ORDER

PAULA JOHNSON KELLY, being an attorney admitted to practice in this Court, hereby affirms
under penalty of perjury:

1. I am an associate with the Law Firm of Goodstein & Associates. I submit this
Affirmation, based upon my own knowledge, conversations with the moving parties, plaintiff and Ms.
Joan George, and the documents contained within my files.

2. I submit this Affirmation, the attached Affidavits and exhibits, and the Memorandum of
Law in support of the instant motion to quash Defendants' subpoenas served upon non-party institutions
to obtain (1) Plaintiff's employment records and (2) Plaintiff's and non-party Ms. Joan George's banking
financial records, or, in the alternative, for a protective order.

3. Annexed hereto, in further support of Plaintiff and Ms. George's motion are the following
additional exhibits:

Exhibit #1 . Plaintiff, Eugene Lowe's, Affidavit in support of the motion;

Exhibit #2 . Non-party Joan George's Affidavit in support of the motion;

Exhibit #3. The Complaint in this action;

Exhibit #4 (a-c) Defendants' three Subpoenas to Plaintiff's employers;

Exhibit #5 (a-f) Defendants' six Subpoenas to Plaintiff's and Ms. George's financial institutions

Exhibit #6. Plaintiff's resumé (DFF007);

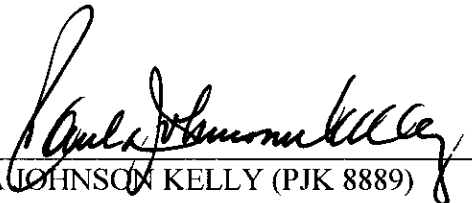
Exhibit #7. Plaintiff's 2009 W2 from Aramark; and.

Exhibit #8. Excerpts from the examination before trial of plaintiff, Eugene Lowe, taken on July 30, 2010.

4. This motion is made after communication between counsel for all parties could not resolve this issue, and a conference with the Court on October 28, 2010, granting permission to so move.

WHEREFORE, on behalf of Plaintiff and Ms. George, it is requested that the Court grant the instant motion to quash Defendants' subpoenas, or, in the alternative, that the Court issue a Protective Order limiting the subpoenas only to the relevant and necessary documentation for which Defendants have shown a right, and eliminating confidential information, and for such other and further relief as to the Court seems just and proper.

Dated: New Rochelle, New York
November 5, 2010



PAULA JOHNSON KELLY (PJK 8889)